



STATE OF ARKANSAS
**Department of Finance
 and Administration**

**OFFICE OF PERSONNEL MANAGEMENT
 Administrator's Office**
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August 21, 2013

Representative Andrea Lea, Co-Chairperson
 Senator Uvalde Lindsey, Co-Chairperson
 Uniform Personnel Classification and Compensation
 Plan Subcommittee
 Arkansas Legislative Council
 State Capitol Building, Room 315
 Little Rock, Arkansas 72201

Dear Co-Chairs:

The Office of Personnel Management (OPM) submits a request from the Arkansas Department of Environmental Quality (ADEQ) for your review.

The Arkansas Department of Environmental Quality has requested one (1) position from the OPM pool established by Arkansas Code 21-5-225(a)(1). The classification requested along with the position being surrendered is listed below:

CLASSIFICATION REQUESTED

Attorney Supervisor G025C C127

<u>POSITION SURRENDERED</u>	<u>TITLE</u>	<u>CLASS CODE</u>	<u>GRADE</u>
22090966	Attorney Specialist	G047C	C126

JUSTIFICATION

ADEQ currently has one (1) Managing Attorney position, grade C129, and eight (8) Attorney Specialist positions, grade C126. They are requesting to utilize the single vacant Attorney Specialist position for this exchange. Over the course of the last four years, the legal department at ADEQ has had their work load increase from 516 cases in 2009 to 797 in 2012. The most significant increase is the number of matters that are actively being litigated, which typically requires much more time and supervision. The current Managing Attorney holds an extensive list of duties and needs the flexibility to take a more active role in providing oversight for current and future litigations. However, there is no allowance for this within the current system.

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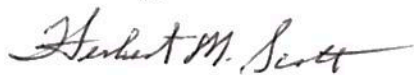
With the recent loss of one Attorney Specialist, the opportunity to resolve this conflict has presented itself in the form of an exchange with the OPM Pool. This new Attorney Supervisor will be responsible for the supervision of newer attorneys and be assigned to review a portion of the documents that come through the legal division, including simple orders, memoranda, and bankruptcy matters. In addition, this position will be responsible for all environmental regulations and statutes that are promulgated. This will allow the Managing Attorney the flexibility to track, coordinate, and supervise the litigation matters and permit appeals, and better serve the attorneys by ensuring an effective and productive team.

The total cost, including match, for the Attorney Supervisor position would be \$52,530, entry for a C127. This results in a salary savings of \$4,814 below the budgeted amount for the employee who vacated the position previously. This swap would also result in a reduction of Attorney Specialists from a total of eight (8) to seven (7).

The Office of Personnel Management has reviewed this request and **recommends** the establishment of this pool position.

Your approval of this request is greatly appreciated.

Sincerely,



Herbert M. Scott
State Personnel Administrator



Chief Fiscal Officer of the State

JUL 31 2013

Date

HMS/sd



ARKANSAS
Department of Environmental Quality

REC'D JUL 29 2013

July 23, 2013

Herb Scott
State Personnel Administrator
Office of Personnel Management
Department of Finance and Administration
1509 West 7th Street
Little Rock, Arkansas 72201

Dear Mr. Scott,

ADEQ proposes to exchange one currently vacant Grade C126, Attorney Specialist position (2209-0966) currently budgeted at \$57,344 for a Grade C127 Attorney Supervisor position to be budgeted at \$52,530 entry level. ADEQ currently has one Managing Attorney position (C129) and eight Attorney Specialist positions (C126). Our request would reduce our Attorney Specialist positions from eight to seven and give us one Attorney Supervisor.

The ADEQ legal department's responsibilities go beyond providing legal advice for the Department. Rather, the attorneys handle an ever-increasing number of circuit court matters from requests for injunctive relief to enforcement of orders and penalties. In addition, the attorneys are responsible for garnishments, human resource investigations and claims, grievance appeals, unemployment appeals, complex property issues as they relate to deed restrictions or ownership, tax refunds for equipment, agreements between ADEQ and federal or state agencies, permit appeals, enforcement hearings, drafting and presentation of regulations and statutes, and federal bankruptcy court matters.

Over the course of the last few years, the ADEQ attorneys have increased their case loads. In 2009, the attorneys worked on and closed 516 matters; in 2010 that number increased to 698; in 2011 (while short one attorney who was on military leave) the legal division handled 604 matters; and in 2012 the attorneys closed 797 different cases. Perhaps one of the most significant increases is the number of matters that are actively being litigated, either in front of the Arkansas Pollution Control & Ecology Commission (APC&EC) or in various circuit courts across the State. Traditionally, these matters require much more time and more supervision.

The current Managing Attorney actively reviews and edits, as needed, each document that is filed in either circuit court or before the APC&EC, the unemployment commission, and bankruptcy court. She reviews/edits all discovery requests and responses, consent and default administrative orders, garnishment answers, regulations, permit documents, and all memoranda drafted by the attorneys on anything from legal opinions to offers/demands in pending matters. With the recent increase in complex litigation matters, the need exists for the Managing Attorney, Grade C129, to take a more active role in providing oversight for litigation. However, the current system does not allow for such a heightened oversight.

To remedy the growing problem, ADEQ requests an exchange of a vacant Attorney Specialist position, C126, for an Attorney Supervisor, C127, position. I envision that the Attorney Supervisor will be responsible for supervision of the newer attorneys and be assigned to review a portion of the documents that come through the legal division, including simple orders, memoranda, and bankruptcy matters. In addition, the Attorney Supervisor (C127) will be responsible for all environmental regulations and statutes that are promulgated. Such a division of labor will allow the Managing Attorney (C129) to track, coordinate, and supervise the more complex litigation matters and permit appeals, and ensure that all attorneys are being effective and productive. As such, the public is better served by a more efficient Department, and we can respond more promptly.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Marks". The signature is written in black ink and is positioned above the printed name and title.

Teresa Marks
Director